

# House File 400 - Enrolled

HOUSE FILE 400

## AN ACT

RELATING TO THE LICENSING OF PERSONS INSTALLING FIRE  
PROTECTION SYSTEMS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. 2008 Iowa Acts, chapter 1094, section 2, subsection 1, is amended to read as follows:

1. "Apprentice sprinkler fitter" means a person who, ~~as a principal occupation,~~ is engaged in learning the fire protection system industry trade under the direct supervision of a certified fire extinguishing system contractor or licensed fire sprinkler installer and maintenance worker and who is registered with the United States department of labor, office of apprenticeship.

Sec. 2. 2008 Iowa Acts, chapter 1094, section 2, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. "Division" means division of the state fire marshal in the department.

Sec. 3. 2008 Iowa Acts, chapter 1094, section 2, subsection 7, is amended to read as follows:

7. "Fire sprinkler installer and maintenance worker" means a person who, ~~as a principal occupation,~~ and having the necessary qualifications, training, experience, and technical knowledge, conducts fire protection system installation and maintenance, and who is licensed by the department.

Sec. 4. 2008 Iowa Acts, chapter 1094, section 3, subsection 1, is amended to read as follows:

1. ~~\* On or after January 1, 2010,~~ a person shall not perform fire protection system installations or fire protection system maintenance without ~~first obtaining~~ holding a current, valid fire protection sprinkler installer and maintenance worker license issued pursuant to this chapter.

a. An employee of a fire extinguishing system contractor working as an apprentice sprinkler fitter performing fire protection system installation or maintenance under the direct supervision of an on-site licensed fire sprinkler installer and maintenance worker is not required to ~~obtain hold~~ a current, valid fire sprinkler installer and maintenance worker license.

b. A person who installs or demolishes walls, ceilings, flooring, insulation, or associated materials or a person who demolishes sprinkler pipe is not subject to the provisions of this chapter except when the work involves a complete sprinkler system.

c. A person who is a responsible managing employee of a fire extinguishing system contractor is not required to hold a current, valid fire sprinkler installer and maintenance worker license.

Sec. 5. 2008 Iowa Acts, chapter 1094, section 3, subsection 5, is amended by striking the subsection.

Sec. 6. 2008 Iowa Acts, chapter 1094, section 3, subsection 2, is amended to read as follows:

2. A licensed fire sprinkler installer and maintenance worker must be present at all locations and at all times when fire protection system installation work is being performed. At least one licensed fire sprinkler installer and maintenance worker must be present for every three apprentice sprinkler fitters, ~~or any other employees~~ performing work related to fire protection system installation.

Sec. 7. 2008 Iowa Acts, chapter 1094, section 3, subsection 6, is amended to read as follows:

6. On and after ~~August 1, 2009~~ January 1, 2010, a governmental subdivision shall not issue a license to a person installing a fire protection system and shall not prohibit a person installing fire protection systems and licensed pursuant to this chapter from performing services for which that person is licensed pursuant to this chapter or enforce any licensing provisions promulgated by the governmental subdivision against a person licensed pursuant to this chapter.

Sec. 8. 2008 Iowa Acts, chapter 1094, section 4, is

amended to read as follows:

SEC. 4. 100D.3 FIRE SPRINKLER INSTALLER AND MAINTENANCE WORKER LICENSE.

1. The state fire marshal shall issue a fire sprinkler installer and maintenance worker license to an applicant who ~~possesses~~ meets all of the following requirements:

a. Possesses a minimum of four years of employment experience as an apprentice sprinkler fitter ~~and,~~

b. Has completed a United States department of labor apprenticeship program ~~and is,~~

c. Is employed by a fire extinguishing system contractor, ~~who either receives.~~ However, an applicant whose work on extinguishing systems will be restricted to systems on property owned or controlled by the applicant's employer may obtain a license if the employer is not a certified contractor.

d. Has received a passing score on the national inspection, testing, and certification star fire sprinkler mastery exam or on an equivalent exam from a nationally recognized third-party testing agency that is approved by the state fire marshal, or ~~who~~ is certified at level one by the national institute for certification in engineering technologies based on general work elements, as defined by the national institute for certification in engineering technologies, and as specified by rule by the state fire marshal.

2. The holder of a fire sprinkler installer and maintenance worker license shall be responsible for license fees, renewal fees, and continuing education hours.

3. The license of a fire sprinkler installer and maintenance worker licensee who ceases to be employed by a fire extinguishing system contractor shall continue to be valid until it would otherwise expire, but the licensee shall not perform work requiring licensure under this chapter until the licensee is again employed by a fire extinguishing system contractor. If the licensee becomes employed by a fire extinguishing system contractor other than the contractor which employed the licensee at the time the license was issued, the licensee shall notify the fire marshal and shall apply for an amendment to the license. The fire marshal may establish by rule a fee for amending a license. This subsection shall not extend the time period during which a license is valid. This subsection does not apply to a licensee whose work on extinguishing systems is restricted to systems on property owned or controlled by the licensee's employer.

Sec. 9. 2008 Iowa Acts, chapter 1094, section 5, subsections 1 and 3, are amended to read as follows:

1. An applicant for a fire sprinkler installer and maintenance worker license or renewal of an active license shall provide evidence of a public liability insurance policy and surety bond in an amount determined sufficient by the ~~department fire marshal~~ by rule.

3. The insurance and surety bond shall be written by an entity licensed to do business in this state and each licensee shall maintain on file with the department a certificate evidencing the insurance providing that the insurance or surety bond shall not be canceled without the entity first giving fifteen days written notice to the ~~department fire marshal.~~

Sec. 10. 2008 Iowa Acts, chapter 1094, section 6, subsection 5, is amended to read as follows:

5. ~~Adopt rules specifying a violation reporting procedure applicable to division employees, deputy fire marshals, division inspectors, and municipal fire departments.~~

Sec. 11. 2008 Iowa Acts, chapter 1094, section 9, is amended to read as follows:

SEC. 9. NEW SECTION. 100D.8 TEMPORARY PROVISIONAL LICENSURE.

1. An applicant for licensure under this chapter as a fire sprinkler installer and maintenance worker who possesses a minimum of four years of experience as an apprentice sprinkler fitter and who has not successfully passed the licensure examination or achieved certification as required pursuant to section 100D.3 by ~~August 1, 2009~~ January 1, 2010, shall be issued a ~~temporary~~ license as a fire sprinkler installer and maintenance worker for a period of ~~sixty days commencing August 1, 2009~~ ending no later than June 30, 2010. A ~~temporary provisional~~ license shall be granted upon presentation of satisfactory evidence to the ~~department fire marshal~~ demonstrating experience and competency in conducting

fire protection system installations and fire protection system maintenance according to criteria to be determined by the department fire marshal in rule. ~~A temporary license shall not be renewed.~~

2. An applicant issued a temporary provisional license pursuant to this section shall pass the licensure examination or achieve certification on or before ~~February 1~~ June 30, 2010, in order to remain licensed as a fire sprinkler installer and maintenance worker. A temporary provisional license fee shall be established by the ~~department fire marshal~~ by rule. No temporary provisional licenses ~~will~~ shall be issued after ~~February~~ April 1, 2010.

Sec. 12. 2008 Iowa Acts, chapter 1094, section 10, subsections 2 and 3, are amended to read as follows:

2. A passing score on the national inspection, testing and certification star fire sprinkler mastery exam or an equivalent exam from a nationally recognized third-party testing agency that is approved by the state fire marshal.

3. A passing score on the NICET level I examination. Certification, based upon general work elements, as defined by the national institute for certification in engineering technologies, at level I by the national institute for certification in engineering technologies, and as specified by rule by the state fire marshal.

Sec. 13. 2008 Iowa Acts, chapter 1094, section 10, is amended by adding the following new unnumbered paragraph: NEW UNNUMBERED PARAGRAPH. After July 31, 2012, a person licensed pursuant to this section shall renew or obtain a license pursuant to section 100D.3.

Sec. 14. 2008 Iowa Acts, chapter 1094, section 12, is amended by adding the following new subsection: NEW SUBSECTION. 3. The provisions of this chapter shall not be construed to apply to a person licensed as a plumber pursuant to chapter 105 who is working within the scope of the person's license.

Sec. 15. 2008 Iowa Acts, chapter 1094, is amended by adding the following new section after section 13:

SEC. \_\_\_\_ NEW SECTION. 100D.13 TEMPORARY LICENSES.

1. The state fire marshal may issue a temporary fire sprinkler installer and maintenance worker license to a person, providing that all of the following conditions are met:

a. The person is currently licensed or certified to perform work as a fire sprinkler installer and maintenance worker in another state.

b. The person meets any additional criteria for a temporary license established by the state fire marshal by rule.

c. The person provides all information required by the state fire marshal.

d. The person has paid the fee for a temporary license, which fee shall be established by the state fire marshal by rule.

e. The person intends to perform work as a fire sprinkler installer and maintenance worker only in areas of this state which are covered by a disaster emergency declaration issued by the governor pursuant to section 29C.6.

2. A temporary license issued pursuant to this section shall be valid for ninety days. The state fire marshal may establish criteria and procedures for the extension of such licenses for additional periods, which in no event shall exceed ninety days.

3. A temporary license shall be valid only in areas of the state which are subject to a disaster emergency declaration issued by the governor pursuant to section 29C.6 at the time at which the license is issued, which become subject to such a declaration during the time the license is valid, or which were subject to such a declaration issued within the six months preceding the issuance of the license.

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PATRICK J. MURPHY  
Speaker of the House

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JOHN P. KIBBIE  
President of the Senate

I hereby certify that this bill originated in the House and

is known as House File 400, Eighty-third General Assembly.

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MARK BRANDSGARD  
Chief Clerk of the House

Approved \_\_\_\_\_, 2009

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CHESTER J. CULVER  
Governor